

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STINGRAY IP SOLUTIONS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
SIGNIFY N.V.,	§	
SIGNIFY (CHINA) INVESTMENT CO.,	§	CIVIL ACTION NOS. 2:21-CV-00043-
LTD.,	§	JRG; 2:21-CV-00044-JRG
SIGNIFY HONG KONG LIMITED,	§	
SIGNIFY NETHERLANDS B.V., and	§	
SIGNIFY POLAND SP. Z.O.O.,	§	
	§	
Defendants.	§	

**PLAINTIFF’S NOTICE THAT THE FIRST AMENDED COMPLAINT
MOOTS DEFENDANT SIGNIFY’S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

Defendant Signify N.V. (“Signify”) has moved to dismiss Plaintiff’s infringement claims against Signify for lack of personal jurisdiction under Rule 12(b)(2). *See* -00250, Dkt. No. 21. On June 14, 2021, Plaintiff filed amended complaints. *See e.g.*, -00043, Dkt. No. 15; -00044, Dkt No. 15. As a result, Signify’s motion to dismiss is moot. “An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Thus, because the original complaint has been deprived of “legal effect,” Signify’s Motion to Dismiss must therefore be denied as moot. *See Bank of N.Y. Mellon v. Maniscalco*, No. 1:15-CV-35, 2015 WL 11111369, at *1 n.2 (E.D. Tex. May 11, 2015) (dismissing defendant’s motion to dismiss original complaint as moot after plaintiff filed an amended complaint); *Chaisson v. Grounds*, No. 5:13-CV-54, 2014 WL 175329, at *4 (E.D. Tex. Jan. 14, 2014) (“The Fifth Circuit

has stated that an amended complaint supersedes the original and becomes the operative pleading.”); *Agency Funding, LLC v. Fillweber*, No. 3:10-cv-27, Dkt. No. 30 (W.D. Va. Oct. 18, 2010) (dismissing defendants’ motions to dismiss a first amended complaint alleging improper service and lack of personal jurisdiction as moot after plaintiff filed a second amended complaint).

Dated: June 14, 2021

Respectfully submitted,

/s/ Jeffrey R. Bragalone

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFF'S NOTICE THAT THE FIRST AMENDED COMPLAINT MOOTS DEFENDANT SIGNIFY'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on June 14, 2021.

/s/ Jeffrey R. Bragalone